IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Bail Appl..No. 3642 of 2007()

CRIME NO.103/07 OF VELLARIKUNDU POLICE STATION

PETITIONERS : ACCUSE:

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1. SISTER ALPHONSA, MOTHER SUPERIOR,
   NOW AT HOLY MARY CONVENT, VELLARIKUNDU,
   KASARGOD (THE SOCIETY OF SISTERS SERVANTS
   OF OUR LADY OF SORROWS, KUMBALAMKARA,
   KUMBALAM, ERNAKULAM DISTRICT.

2. THOMAS CHACKO @ BIJU THULUSSERIYIL,
   S/O.CHACKO, THULUSSERIYIL HOUSE,
   VELLARIKUNDU P.O., KASARGOD DIST.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS: STATE AND COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM , KOCHI.

2. THE STATION HOUSE OFFICER,
   VELLARIKUNDU POLICE STATION.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 3642 of 2007

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Dated this the 18th day of June, 2007

O R D E R

Application for anticipatory bail. The petitioners, a nun and a worker employed, apprehend that they may be arrested by the police on the allegation that they have committed offences punishable under Sections 447and 379 r/w. 34 I.P.C. and Section 3 of the P.D.P.P. Act. The learned counsel for the petitioners submits that there was no culpable intention at all and all the available indications point to the fact that the petitioners were acting bonafide, even assuming that such impression was erroneous. They may be spared of the trauma of arrest and incarceration, it is prayed.

2. The learned Prosecutor does not raise any objection. He only prays that appropriate conditions may be imposed.

3. Having considered all the relevant inputs, I am satisfied that this is a fit case where the discretion under Section 438 Cr.P.C. can and ought to be invoked in favour of the petitioners.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 25.6.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

© The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 11 a.m. on 26.6.07 and thereafter as and when directed by the Investigating Officer in writing to do so.

(d) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 25.6.06 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(b) If the petitioners were arrested prior to their surrender on 25.6.2006 as directed in clause (1) above, they shall be released on bail on

their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 25.6.2007.

(R. BASANT)
Judge

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